

SUPPLEMENT TO EXHIBIT 4

1 UNITED STATES DISTRICT COURT

2 STATE OF MASSACHUSETTS

3
4 Civil Action 04-11958-RGS

ORIGINAL

5 -----
6 MARTIN J. GALVIN, JR., Ed.D.,

7
8 Plaintiff,

9
10 vs.

11
12 THE TOWN OF YARMOUTH,

13 PETER L. CARNES AND

14 STEVEN XIARHOS,

15
16 Defendants.
17 -----

18
19 DEPOSITION

20 OF

21 DAVID L. SNEAD, Ph.D.

22
23 Waterbury, Connecticut

24 Wednesday, February 8, 2006

1 (The last question was read
2 by the reporter.)

3 A. Vaguely. I'm not sure that I can recall if
4 Dr. Galvin asked that question or if one of
5 his representatives asked that question.

6 BY MR. CAMPBELL:

7 Q. Was there any discussion about the
8 propriety or legality of the Yarmouth
9 police having disclosed or disseminated
10 that information?

11 A. I don't recall that.

12 Q. Ultimately, did you institute any
13 disciplinary negative job action against
14 Dr. Galvin resulting from that incident?

15 A. None other than a verbal advisement that he
16 should be very careful to avoid this kind
17 of behavior in the future.

18 Q. Did you give him that advice at the
19 conclusion of that meeting itself or at
20 some later time?

21 A. I believe -- well, I don't remember, to
22 tell the truth. I don't remember whether
23 it was at a later date or at the end of
24 that meeting. My normal behavior is to let

1 any individual know that I will get back to
2 them in a timely fashion with my
3 recommendation.

4 Q. Did any administrator or supervisor or
5 authority of any description in Waterbury
6 discipline or reprimand or take any
7 negative action towards Dr. Galvin because
8 of that incident on July 4th of 2001?

9 A. No.

10 Q. Was it your decision about the action that
11 you took affected by the circumstances
12 under which you became aware of the
13 incident?

14 A. Repeat that.

15 Q. That's a bad question.

16 Did you have an opinion as to
17 whether it was proper or legal for the
18 Yarmouth police to disseminate that
19 information?

20 A. No.

21 Q. Did that question enter into your mind when
22 determining what action you were going to
23 take with respect to Dr. Galvin?

24 A. No.

1 Q. Doctor, is there a written code of conduct,
2 any type for school department employees?

3 A. No.

4 Q. Is there guidelines regarding school
5 department employees with respect to
6 illegal or unethical or improper behavior
7 that's in writing that you are aware of?

8 A. No.

9 Q. Do you know whether any such writings with
10 respect to the City of Waterbury employees
11 as a whole exist?

12 A. I'd only be guessing. It could be in the
13 charter. But no.

14 Q. Do you know whether the union contract with
15 SAW, School Administrators of Waterbury,
16 has any such provisions, code of conduct
17 guidelines?

18 A. I would have to review the contract to
19 answer that question.

20 Q. As you sit here today, you are not aware of
21 any such provisions?

22 A. Correct.

23 Q. Is it fair to say that this incident was
24 closed in or around July of 2001?

1 A. Yes.

2 Q. No further action was taken after July of
3 2001?

4 A. None.

5 Q. Subsequently in April of 2002, the New
6 England Association of Schools and Colleges
7 issued a report with respect to Wilby High
8 School; is that correct?

9 A. Correct.

10 Q. Doctor, what is the New England Association
11 of Schools and Colleges?

12 A. It's an accrediting agency that school
13 systems volunteer to join, and it helps to
14 review curriculum, building maintenance
15 facilities, media centers, all of what goes
16 on in the school to determine whether or
17 not it can be recommended as an accredited
18 school by this agency.

19 Q. Wilby High School received an accreditation
20 report from NEASC in April of 2000;
21 correct?

22 A. Correct.

23 Q. What was the substance of their
24 determination?

1 Trustees, NEASC was released in April of
2 2002; isn't that correct?

3 A. Correct.

4 Q. And Wilby failed all seven portions of the
5 accreditation process; correct?

6 A. Correct.

7 Q. What action did you take with respect to
8 Dr. Galvin in response to that?

9 A. I removed Dr. Galvin from the principalship
10 of Wilby High School and transferred him to
11 the vacancy of principal at the adult
12 education center.

13 Q. What were your reasons for making that
14 transfer, Doctor?

15 A. There was a need for a change in leadership
16 at Wilby High School.

17 Q. Were there any other reasons for that
18 transfer?

19 A. No.

20 Q. You made that determination.

21 Did you have to get approval
22 from the Board of Education to execute it?

23 A. No.

24 Q. It's completely within your discretion to

1 make a transfer?

2 A. Correct.

3 Q. Did you discuss that action with the Board
4 of Education?

5 A. Yes.

6 Q. Did you discuss it beforehand?

7 A. Yes.

8 Q. When you discussed this transfer with the
9 Board of Education, did you mention or
10 discuss the July 2001 incident in Yarmouth,
11 Massachusetts?

12 A. No.

13 Q. Did that come up at all during your review
14 of the situation with the Board of
15 Education?

16 A. No.

17 Q. In your view, was it a consideration at all
18 in your determination to transfer
19 Dr. Galvin?

20 A. No.

21 Q. I'll ask the same question in a different
22 way.

23 You responded to the
24 accreditation failure by removing

1 Dr. Galvin from the principalship; right?

2 A. Correct.

3 MR. CAMPBELL: Let's mark this.

4 (Defendants' Exhibit 11
5 marked for identification.)

6 BY MR. CAMPBELL:

7 Q. We will go back over something that was
8 just raised, Dr. Snead.

9 In addition to transferring
10 Dr. Galvin, you and the Waterbury school
11 department took a number of other actions
12 to respond to the accreditation issue at
13 Wilby; correct?

14 A. Correct.

15 Q. This was a situation that was taken very
16 seriously by you, wasn't it?

17 A. Correct.

18 Q. I want to show you Exhibit 11. That is a
19 newspaper report dated April 24th, 2002
20 from the Waterbury Republican American.

21 Did you state, We need to get
22 Wilby back on track, and we don't have a
23 lot of time to get it done?

24 A. Correct.

1 Q. Do you recall having meetings with him to
2 discuss in the aftermath of the transfer
3 the accreditation itself?

4 A. I'm sure I did.

5 (Defendants' Exhibit 14
6 marked for identification.)

7 BY MR. CAMPBELL:

8 Q. Exhibit 14, Doctor, is Exhibit 14 your
9 response to Dr. Galvin's request which is
10 Exhibit 12 in which he requested an
11 explanation for the reasons for the
12 transfer?

13 A. Correct.

14 Q. Again, the July 4th, 2001 incident in
15 Yarmouth played no role in the reasons for
16 the transfer; is that correct?

17 A. Correct.

18 Q. Do you recall that Dr. Galvin filed a
19 grievance through his union?

20 A. Correct.

21 Q. Pertaining to his transfer; correct?

22 A. Yes.

23 (Defendants' Exhibit 15
24 marked for identification.)

1 Q. Did the -- was the verbal advice
2 disciplinary in any way?

3 A. It was simply advice that any future
4 behavior like this that had occurred could
5 result in some kind of disciplinary action.

6 MR. CAMPBELL: Thanks. Off the
7 record.

8 (Off-the-record discussion.)

9 BY MR. CAMPBELL:

10 Q. I want to return, Doctor, to Frank
11 Lombardo.

12 What role, if any, did Frank
13 Lombardo play in your action with respect
14 to the July 4th incident?

15 A. Not much other than to relay the facts from
16 the Yarmouth Police Department that was
17 given to the Mayor's office to my office.
18 He could have done something else that I
19 don't recall, but I don't recall
20 specifically what it may have been. It's
21 possible he could have called up there as
22 part of his role with the Mayor's office,
23 his association with the police department,
24 he may have called up there to get some